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MEB Loan Trust IV

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Rudolf H. Hendel and Catherine G. Lin-Hendel,

Plaintiff-Appellant,

vs.

MEB Loan Trust IV,

Defendant-Appellee.

Appeal Case No.: 22-cv-04984-BRM

Bankruptcy Case No. 21-18847-JKS

Appeal Judge:
Hon. Brian R. Martinotti

Bankruptcy Judge:
Hon. John K. Sherwood

APPELLEE’S COUNTER-DESIGNATION OF CONTENTS OF RECORD ON APPEAL

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), MEB Loan Trust IV (the “Trust”), a secured creditor in the above-referenced bankruptcy case (the “Bankruptcy Case”), for purposes of Debtors Rudolf H. Hendel and Catherine G. Lin-Hendel’s (“Debtors”) appeal under 28 U.S.C. § 158(a) and Rule 8001, *et seq.* of the Bankruptcy Rules, hereby designates the following items for inclusion in the record with respect to the Notice of Appeal previously filed herein by Debtors on August 8, 2022 [Doc. No. 102], seeking to appeal from the Order of the Honorable John K. Sherwood, Bankruptcy Judge for the United States Bankruptcy Court for the District of New Jersey, entered on July 27, 2022 [Doc. No. 87], wherein Judge Sherwood denied Debtors’ Motion for Reconsideration of the Court’s June 15, 2022 Order on Debtors’ motion for a fair and honest payoff (the “Motion for Reconsideration”) [Doc. No. 81]:

APPELLEE'S COUNTER-DESIGNATION OF CONTENTS OF RECORD

In re Rudolf H. Hendel & Catherine G. Lin-Hendel
USBC, DNJ No. 21-18847

A. Bankruptcy Docket

Filing Date	#	Docket Text
11/15/2021	<u>1</u> (16 pgs)	Chapter 11 Voluntary Petition Filed by Rudolf H. Hendel , Catherine G. Lin-Hendel . Chapter 11 Debtors Exclusive Right to File a Plan Expires on 3/15/2022. (dmc) Additional attachment(s) added on 11/16/2021 (dmc). (Entered: 11/16/2021)
11/30/2021	<u>25</u> (3 pgs; 2 docs)	Notice of Appearance and Request for Service of Notice filed by Douglas J. McDonough on behalf of MEB Loan Trust IV. (Attachments: # <u>1</u> Certificate of Service) (McDonough, Douglas) (Entered: 11/30/2021)
03/21/2022	<u>48</u> (61 pgs; 3 docs)	Individual Chapter 11 Combined Plan and Disclosure Statement Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. (Attachments: # <u>1</u> Attachment # <u>2</u> Certification) (zlh) (Entered: 03/23/2022)
04/11/2022	<u>53</u> (5 pgs; 2 docs)	Objection to Confirmation of Plan (related document: <u>48</u> Individual Chapter 11 Combined Plan and Disclosure Statement Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. (Attachments: # 1 Attachment # 2 Certification) (zlh) filed by Debtor Rudolf H. Hendel, Joint Debtor Catherine G. Lin-Hendel) filed by Douglas J. McDonough on behalf of MEB Loan Trust IV. (Attachments: # <u>1</u> Certificate of Service) (McDonough, Douglas) (Entered: 04/11/2022)
04/18/2022	<u>56</u> (4 pgs; 2 docs)	in Opposition to (related document: <u>52</u> Motion re: to Order Honest and Fair Payoff Quotes Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. Hearing scheduled for 5/3/2022 at 10:00 AM at JKS - Courtroom 3D, Newark. (Attachments: # 1 Addendum I of the Hendel 4/5/2022 Motion # 2 Exhibit 1A # 3 Exhibit 1B # 4 Exhibit 2 # 5 Exhibits 3A, 3B and 3C # 6 Exhibit 4 # 7 Exhibit 5A, 5B, 5C # 8 Exhibit 6 # 9 Exhibit 7 # 10 Exhibit 8 # 11 Exhibit 10 # 12 Exhibit 11 # 13 Exhibit 12A, 12B, 12C # 14 Exhibit 13A, 13B, 13C, 13D # 15 Exhibit 14A, 14B, 14C # 16 Exhibit 9 # 17 Exhibit # 18 Exhibit # 19 Exhibit Gmail 6/20/19 # 20 Certificate of Service) (zlh) filed by Debtor Rudolf H. Hendel, Joint Debtor Catherine G. Lin-Hendel) filed by Douglas J. McDonough on behalf of MEB Loan Trust IV. (Attachments: # <u>1</u>

		Certificate of Service) (McDonough, Douglas) (Entered: 04/18/2022)
05/03/2022		Minute of Hearing Held, OUTCOME: : Motion is granted in part as set forth on the record. (related document(s): 52 Motion (Generic) filed by Rudolf H. Hendel, Catherine G. Lin-Hendel) (mff) (Entered: 05/04/2022)
05/17/2022	69 (73 pgs; 7 docs)	Supplemental Declaration in Opposition to (related document: 52 Motion re: to Order Honest and Fair Payoff Quotes Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. Hearing scheduled for 5/3/2022 at 10:00 AM at JKS - Courtroom 3D, Newark. (Attachments: # 1 Addendum I of the Hendel 4/5/2022 Motion # 2 Exhibit 1A # 3 Exhibit 1B # 4 Exhibit 2 # 5 Exhibits 3A, 3B and 3C # 6 Exhibit 4 # 7 Exhibit 5A, 5B, 5C # 8 Exhibit 6 # 9 Exhibit 7 # 10 Exhibit 8 # 11 Exhibit 10 # 12 Exhibit 11 # 13 Exhibit 12A, 12B, 12C # 14 Exhibit 13A, 13B, 13C, 13D # 15 Exhibit 14A, 14B, 14C # 16 Exhibit 9 # 17 Exhibit # 18 Exhibit # 19 Exhibit Gmail 6/20/19 # 20 Certificate of Service) (zlh) filed by Debtor Rudolf H. Hendel, Joint Debtor Catherine G. Lin-Hendel) filed by Douglas J. McDonough on behalf of MEB Loan Trust IV. (Attachments: # 1 Exhibit A - Mortgage Interest Statements # 2 Exhibit B - Financial Breakdown Summary # 3 Exhibit C - Payment Change Records # 4 Exhibit D - Interest Rate Change Notices # 5 Exhibit E - Monthly Mortgage Statements # 6 Certificate of Service) (McDonough, Douglas) (Entered: 05/17/2022)
06/14/2022		Minute of Hearing Held and Continued. (related document(s): 7 Notice of Hearing (Upload)) Hearing scheduled for 07/19/2022 at 10:00 AM at JKS - Courtroom 3D, Newark. (mff) (Entered: 06/14/2022)
06/13/2022	75 (2 pgs)	ORDER COMPELLING SECURED CREDITOR TO PROVIDE PAYOFF STATEMENT. (related document: 52 Motion re: to Order Honest and Fair Payoff Quotes Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 6/13/2022. (zlh) (Entered: 06/13/2022)
06/15/2022	77 (3 pgs)	ORDER RE: DEBTORS MOTION FOR PAYOFF QUOTES FROM MORTGAGE HOLDERS SO THEY CAN OBTAIN POSTPETITION FINANCING. (Related Doc # 52). Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 6/15/2022. (zlh) (Entered: 06/15/2022)

07/19/2022		Minute of Hearing Held, OUTCOME: Case Dismissed. (related document(s): 7 Notice of Hearing (Upload)) (mff) (Entered: 07/19/2022)
07/20/2022		Minute of Hearing Held, OUTCOME: Motion is denied. (related document(s): 81 Motion to Reconsider filed by Rudolf H. Hendel, Catherine G. Lin-Hendel) (mff) (Entered: 07/20/2022)
07/27/2022	87 (2 pgs)	Order Denying Motion For Reconsideration of the Court's June 15, 2022 Order on Fair an Honest Payoff. (Related Doc # 81). Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 7/27/2022. (zlh) (Entered: 07/27/2022)
07/27/2022	88 (3 pgs; 2 docs)	Order Dismissing Case for Both Debtors . Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 7/27/2022. (zlh) (Entered: 07/27/2022)
08/08/2022	102 (6 pgs)	Notice of Appeal to District Court. (related document: 87 Order on Motion To Reconsider). Receipt Number 544169, Fee Amount \$ 298. Filed by Rudolf H. Hendel, Catherine G. Lin-Hendel. Appellant Designation due by 8/23/2022. Transmission of Designation Due by 9/8/2022. (lc) Modified on 8/19/2022 TO REFLECT APPEAL FILING FEE PAYMENT IN THE AMOUNT OF \$298.00; RECEIPT #544169(env). (Entered: 08/09/2022)

B. Claims Register

<i>Creditor:</i> (519358551) MEB Trust IV c/o Select Portfolio Services PO Box 65250 Salt Lake City UT 84165	Claim No: 6 <i>Original Filed Date:</i> 12/22/2021 <i>Original Entered Date:</i> 12/22/2021	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Douglas J. McDonough <i>Modified:</i>
Amount claimed: \$552506.57 Secured claimed: \$552506.57		
<i>History:</i> Details 6-1 12/22/2021 Claim #6 filed by MEB Trust IV, Amount claimed: \$552506.57 (McDonough, Douglas)		
<i>Description:</i> (6-1) Arrears: \$218,280.95; Loan xxxx6350		
<i>Remarks:</i>		

Respectfully submitted,

Dated: Edison, New Jersey
September 15, 2022

HINSHAW & CULBERTSON LLP

By: /s/ Karena J. Straub
Karena J. Straub, Esq.
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*Appellate Counsel for Defendant-Appellee,
MEB Loan Trust IV*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been electronically filed. A Notice of Electronic Filing will be sent by the Court to all counsel of record who have consented to email notification and electronic service. Copies of the foregoing pleadings are also being sent via First Class Mail, on September 15, 2022, to the following:

Dr. Rudolf H. Hendel
Dr. Catherine G. Lin-Hendel
26 Ridge Road
Summit, NJ 07901

/s/ Karena J. Straub
Karena J. Straub